

REMARKS

Applicant has amended the claims 9, 12 and 14. Applicant respectfully submits that these amendments to the claims are supported by the application as originally filed and do not contain any new matter. In addition, Applicant respectfully submits that these amendments to the claims are only for the purposes of clarifying the claims and do not raise any new issues which would require further consideration and/or search.

The Examiner has rejected the claim 12 under 35 USC 112, second paragraph stating that claim 12 positively claims the handpiece which is inconsistent with the preamble. Applicant respectfully submits that the invention is directed towards the maintenance apparatus and not the handpiece. As a result, Applicant has amended the claim 12 to eliminate the positive recitation of the handpiece.

The Examiner has rejected the claims 9, 10 and 14 under 35 USC 102 as being anticipated by Brown; rejected the claims 9 through 12 and 14 as being anticipated by Hoffman; and rejected the claim 13 under 35 USC 103 as being obvious over Hoffman in view of De Rocchis et al.

In reply to these rejections, Applicant respectfully submits that it is apparent that the capsule 20 or 30 of Brown is not detachably connecting to the chucking structure in place of the rotary tool. Still further, the nozzle 248 of Hoffman is larger in diameter than the cutting tool 204 and it too is not capable of being detachably connected to the chucking structure in place of the rotary tool. Also, Applicant respectfully submits that neither the capsule of Brown nor the nozzle 248 of Hoffman is capable of being inserted into and is also not shown as being inserted into the chucking structure in place of the rotary tool. Still further, Applicant's review of De Rocchis et al. indicates that the nozzle is merely for spraying a mist onto the exterior of the handpiece and there is no teaching, suggestion or showing to one of ordinary skill in the art that the misting nozzle of De Rocchis et al. could be utilized as a nozzle which is designed to fit into and be detachably connected to the chucking structure in place of the rotary tool.

In addition and as to the rejections under 35 USC 102, Applicant respectfully submits that 35 USC 102 requires that the prior art show each and every element of Applicant's invention and not be capable of being modified to be Applicant's invention. Therefore, Applicant respectfully submits that a rejection under 35 USC 102 is inappropriate.

Applicant further respectively and retroactively requests a one (1) month extension of time to have this amendment entered and the extension fee is requested to be charged in the Notice of Appeal filed with this amendment.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to QUINN EMANUEL DEPOSIT ACCOUNT NO. 50-4367.

Respectfully submitted,

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